

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal Action
	:	No. 13-CR-00629
	:	
DANIEL PAUL ALTIERI	:	
Defendant	:	

ORDER

AND NOW, this _____ day of _____, 2014, Defendant's Motion for Continuance of the Trial Scheduled for June 23, 2014 for an additional period of ninety (90) days, and to modify the Criminal Jury Attachment Order dated April 24, 2014, is hereby **GRANTED**.

BY THE COURT:

HONORABLE JAMES KNOLL GARDNER

**IN THE UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal Action
	:	No. 13-CR-00629
	:	
DANIEL PAUL ALTIERI	:	
Defendant	:	

**DEFENDANT’S MOTION FOR CONTINUANCE OF TRIAL AND TO MODIFY THE
CRIMINAL JURY TRIAL ATTACHMENT ORDER**

AND NOW, Comes the Defendant, Daniel Paul Altieri, by an through his counsel, Marc S. Fisher, Esquire, and respectfully requests that this Honorable Court grant a continuance of the trial in the above-captioned matter and to modify the Criminal Jury Attachment Order, and in support of this Motion avers the following:

1. On November 19, 2013, Defendant was indicted and charged with one count of possession of a firearm by a convicted felon in violation of 18 U.S.C. §922(g)(1).
2. On November 21, 2013, Defendant was arraigned and the undersigned was appointed to represent him under the Criminal Justice Act.
3. By Order dated April 24, 2014, this Court entered a Criminal Jury Trial Attachment Order establishing various deadlines for the submission of motions, responses thereto, proposed jury instructions, voir dire and jury instructions, and establishing a jury trial date of June 23, 2014.

4. Defense counsel believes that there is a reasonable likelihood that the matter will conclude in a non-jury disposition; however, additional time of at least ninety (90) days from the date of the scheduled trial is needed for the Defendant to conclude negotiations with government counsel and, therefore, a continuation of both the scheduled trial and a modification of the Criminal Jury Trial Attachment Order are needed.
5. Defense counsel certifies that he has personally communicated with counsel for the government, Assistant United States Attorney Virgil B. Walker, who has no objection to the requested relief.
6. Under the Speedy Trial Rule, the period of delay resulting from a continuance is excludable where granting a continuance serves the ends of justice and outweighs the best interest of the public and the Defendant in a speedy trial, and Defense counsel agrees that all time until the next guideline would be excludable if the Court grants the instant motion.
7. Failure to grant this request for a continuance would result in a miscarriage of justice and would deny counsel for the Defendant the reasonable time necessary for effectively preparing the Defendant in the instant matter, 18 U.S. C. § 3161(h)(8)(B)(i).

WHEREFORE, it is respectfully requested that this Honorable Court grant Defendant's Motion to Continue the Trial scheduled for June 23, 2014 for a period of an additional ninety (90) days, and to Modify the Criminal Jury Attachment Order dated April 24, 2014.

Respectfully submitted,

/s/ Marc S. Fisher, Esquire
Marc S. Fisher, Esquire
2610 Walbert Ave.
Allentown, PA 18104
610-437-4896
Attorney for Defendant, Daniel Paul Altieri
Attorney I.D. No.: 36711

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal Action
	:	No. 13-629
	:	
DANIEL PAUL ALTIERI	:	
Defendant	:	

CERTIFICATE OF SERVICE

I, **Marc S. Fisher, Esquire**, hereby certify that a true and correct copy of Defendant's Motion for Continuance of Trial and to Modify the Criminal Jury Trial Attachment Order was filed electronically and served upon:

**Virgil B. Walker, Esquire
U.S. Attorney's Office
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106-4476**

Date: May 6, 2014

/s/ Marc S. Fisher, Esquire
Marc S. Fisher, Esquire
2610 Walbert Ave.
Allentown, PA 18104
610-437-4896
Attorney for Defendant, Daniel Paul Altieri
Attorney I.D. No.: 36711